

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**THOMAS G. WAMSLEY,**

**Plaintiff,**

**v.**

**Civil Action No. 2:10-CV-990**

**LIFENET TRANSPLANT SERVICES, INC.,  
a foreign non-profit corporation licensed to do  
business in the State of West Virginia, and  
LIFENET HEALTH, a foreign non-profit  
Virginia corporation,**

**Defendants.**

**DEFENDANTS' MOTION JOINING  
IN PLAINTIFF'S MOTION FOR STAY**

**COME NOW** the Defendants, LifeNet Transplant Services, Inc. and LifeNet Health, by and through the undersigned counsel, James A. Varner, Sr., Debra Tedeschi Varner and Richard W. Shryock, Jr. and the law firm of McNeer, Highland, McMunn and Varner, L.C. and hereby submit this motion joining in Plaintiff's motion for an order staying all deadlines in this action until such time as the Court rules on Defendants' Motion to Dismiss Amended Complaint.

The Defendant agrees with Plaintiff that the resources of the parties, their counsel, and this Court would be best served by staying all other activity until the Court rules on the pending Motion to Dismiss Amended Complaint. The Defendants also join in Plaintiff's request that a new scheduling order be entered if the Court denies the Motion to Dismiss Amended Complaint.

WHEREFORE, the Defendants respectfully request that the Court stay this action.

**Defendants, LIFENET TRANSPLANT  
SERVICES, INC. and LIFENET HEALTH,  
By Counsel:**

/s/ Richard W. Shryock, Jr.

James A. Varner, Sr. (WV State Bar # 3853)

Debra Tedeschi Varner (WV State Bar #6501)

Richard W. Shryock, Jr. (WV State Bar #7507)

McNeer, Highland, McMunn and Varner, L.C.

Empire Building - 400 West Main Street

P. O. Drawer 2040

Clarksburg, WV 26302-2040

Telephone (304) 626-1100

Facsimile: (304) 623-3035

**CERTIFICATE OF SERVICE**

I, Richard W. Shryock, Jr., counsel for Defendant, do hereby certify that the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Anthony J. Majestro  
Powell & Majestro, PLLC

Dated at Elkins, West Virginia, this the 13<sup>th</sup> day of October, 2011.

/s/ Richard W. Shryock, Jr.

James A. Varner, Sr. (WV State Bar # 3853)  
Debra Tedeschi Varner (WV State Bar #6501)  
Richard W. Shryock, Jr. (WV State Bar #7507)  
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